BILL NO. G-74-11- /2

 GENERAL ORDINANCE NO. G-34-74

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain street and alley in the City of Fort Wayne

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street and alley having been filed with the Fort Wayne City Plan Commission and resolution having been duly adopted by the Fort Wayne City Plan Commission on October 21, 1974 following a public hearing thereon, all in accordance with Section 44, Chapter 174 of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1964 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public street and alley in Fort Wayne, Allen County, Indiana, to-wit:

Lafayette Street, extending north from Elizabeth Street

The first and second east-west alleys lying north of Elizabeth Street, and extending west from Lafayette Street to Barr Street

The north-southalley lying east of Barr Street and west of Lafayette Street

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

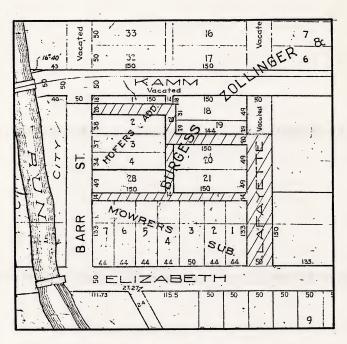
SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Muchols

APPROVED AS TO FORM AND LEGALITY,

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Passed and adopted by the Common	Council of the	e City of Fort Wayne	e. Indiana.
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(Resolution) No. 2-34-74.			
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DIII NO.								
		REPORT OF T	HE COMMI	TTEE ON _	REGUL	ATIONS	-	
We, your	Committee on	Regulations		_ to whom	was ref	erred an O	rdinance	
	amending General	Ordinance No.	G-97 by	authoriz	ing the	vacation o	f a certai	n street
	and alley in the	City of Fort W	layne					
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STREETS and ALLEYS TO BE VACATED

PAGE NO. A7 DATE 10-9-74



October 21, 1974

COMMINICATIONS FROM CITY PLAN COMMISSION

The Common Council of the City of Fort Wayne City-County Building One Main Street Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

Lafayette Street, extending north from Elizabeth Street.

The first and second east-west alleys lying north of Elizabeth Street, and extending west from Lafayette Street to Barr Street.

The north-south alley lying east of Barr Street and west of Lafayette Street.

which was approved by the City Plan Commission at its regular meeting held October 21, 1974.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this 23rd day of October, 1974.

Thomas J. Offerle

Secretary

RESOLUTION

WHEREAS, INDIANA & MICHIGAN ELECTRIC COMPANY, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public streets and alleys in Allen County, Indiana, to-wit:

That portion of Lafayette Street from the north right-of-way line of Elizabeth Street, north to the easterly extension of the north line of the alley lying south of Lot #19 of Burgess, Zollinger & Kamm's Addition. The northerly terminus also being the south line of said Lafayette Street previously vacated.

An alley, twenty (20) feet wide, extending from the east right-of-way line of Barr Street; thence easterly between Lots #1 and #2 of Hofer's Addition to the west line of Lot #18 of Burgess, Zollinger & Kamm's Addition; thence southerly to the westerly extension of the north line of Lot #20 in Burgess, Zollinger & Kamm's Addition; thence easterly between Lots #19 and #20 of Burgess, Zollinger & Kamm's Addition to the west right-of-way line of Lafayette Street.

An alley, fourteen (14) feet wide, between Barr Street and Lafayette Street, lying west of Lots #20 and #21 in Burgess, Zollinger & Kamm's Addition.

An alley fourteen (14) feet wide, between Barr and Lafayette Streets lying north of Mowrer's Subdivision,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. § 53-744 (Burns 1964 Repl. Ed.); and,

. 40

WHEREAS, notice of such public hearing has been given by due and proper publication thereof: and

WHEREAS, said public hearing was held on October 21, 1974, at 7:30 o'clock P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public streets and alleys;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public streets and alleys hereinbefore described conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana; and

BE IT FURTHER RESOLVED by the Fort Wayne City Plan

Commission that the vacation of said public street and alley

hereinbefore described be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the action of the Fort
Wayne City Plan Commission be forwarded to the proper governing
body having jurisdiction of the vacation of streets and alleys
in Allen County, Indiana.

STATE	OF	INDIA	NA)	
)	SS
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I, JAMES E. KELLEY, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on October 21, 1974, and as the same appears of record in the official records of said Plan Commission.

> James E. Kelley, President Fort Wayne City Plan Commission

PETITION FOR VACATION OF STREET

Fort Wayne, Indiana

TO: Plan Commission of the City of Fort Wayne The Common Council of the City of Fort Wayne The Board of Public Works of the City of Fort Wayne

Gentlemen:

Indiana & Michigan Electric Company, owner of real estate in the City of Fort Wayne, Allen County, Indiana, described as follows:

Lots numbered 1, 2, 3, 4, 5, 6 and 7 of Mowrer's Subdivision; lots numbered 1, 2, 3 and 4 of Hofer's Addition; and lots numbered 18, 19, 20, 21 and 28 of Burgess, Zollinger & Kamm's Addition, all to the City of Fort Wayne, Indiana; and that parcel of land immediately east of Lafayette Street, bounded on the north by vacated Kamm Street, the east by Spy Run Avenue, the south by Elizabeth Street and the west by Lafayette Street and partially vacated Lafayette Street,

constituting all the real estate abutting on both sides of that portion of the streets and alleys herein sought to be vacated, respectfully petitions and requests that:

 The Fort Wayne City Plan Commission hold a public hearing upon the vacation of the following described portions of streets and alleys within the City of Fort Wayne, Allen County, Indiana, to-wit:

That portion of Lafayette Street from the north right-of-way line of Elizabeth Street, north to the easterly extension of the north line of the alley lying south of Lot #19 of Burgess, Zollinger & Kamm's Addition. The northerly terminus also being the south line of said Lafayette Street previously vacated.

An alley, twenty (20) feet wide, extending from the east right-of-way line of Barr Street; thence easterly between Lots #1 and #2 of Hofer's Addition to the west line of Lot #18 of Burgess, Zollinger & Kamm's Addition; thence southerly to the westerly extension of the north line of Lot #20 in Burgess, Zollinger & Kamm's Addition; thence easterly between Lots #19 and #20 of Burgess, Zollinger & Kamm's Addition to the west

right-of-way line of Lafayette Street.

An alley, fourteen (14) feet wide, between Barr Street and Lafayette Street, lying west of Lots #20 and #21 in Burgess, Zollinger & Kamm's Addition.

An alley fourteen (14) feet wide, between Barr and Lafayette Streets lying north of Mowrer's Subdivision.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana (Ind. Stat. Annot. \$53-744).

- 2. Upon determination that the vacation of said public streets and alleys hereinabove described conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana, the Fort Wayne City Plan Commission approve the vacation of the said public streets and alleys hereinabove described pursuant to the provisions of the abovementioned statute.
- 3. The Common Council of the City of Fort Wayne enact an ordinance to amend the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council on November 26, 1963, by authorizing the vacation of said public streets and alleys hereinabove described in accordance with the terms of Section 42, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §53-742), and the aforementioned Section 44 of Chapter 174 of the Acts of 1947.
- 4. The Board of Public Works of the City of Fort Wayne pass a resolution providing for the vacation of said streets and alleys as hereinabove described in accordance with the terms of Section 93, Chapter 129 of the Acts of 1905, as amended by Section 8, Chapter 188 of the Acts of 1909 and Section 1, Chapter 85 of the Acts of 1913 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §48-1902) and Section 97, Chapter 129 of the Acts of 1905 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §48-2001).

Respectfully submitted,

INDIANA & MICHIGAN ELECTRIC COMPANY

By:
Charles R. Cogdell
LIVINGSTON, DILDINE, HAYNIE & YODER

425 Lincoln Bank Tower
Fort Wayne, Indiana
Attorneys for Indiana &
Michigan Electric Company

TITLE OF ORDINANCE Street and alley vacation ordinance D-74-11-12
(CITY PLAN COMMISSION) DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNI
DEPARTMENT REQUESTING ORDINANCE Division of Long Range Planning and Zoning
SYNOPSIS OF ORDINANCE Petitioners are requesting the vacation of the
following street and alleys:
Lafayette Street, extending north from Elizabeth Street/ The first and second
east-west alleys lying north of Elizabeth Street, and extending west from
Lafayette Street to Barr Street / The north-south alley lying east of Barr
Street and west of Lafayette Street. (See legal description on petition)
EFFECT OF PASSAGEStreet and alleys, when vacated, will be utilized by
the petitioners - Indiana and Michigan.
EFFECT OF NON-PASSAGEStreet and alleys will remain as is.
MONEY INVOLVED (Direct Costs, Expenditures, Savings) none
- 1
ASSIGNED TO COMMITTEE (J.N.) Regulation
, trager



CITY OF FORT WAYNE

CHARLES W. WESTERMAN CITY CLERK

December 2, 1974

Miss Helen Libbing Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of December 5 and 12, 1974, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for the Common Council of Fort Wayne, Indiana:

General Ordinance No. G-31-74 Vacation of a certain street (Fairwood Drive)

General Ordinance No. G-34-74 Vacation of an alley

Zoning Map Ordinance No. Z-19-74 Fisher Place Addition

General Ordinance No. G-33-74 Vacation of austreet (Chepequah Lane)

General Ordinance No. G-32-74 Vacation of a street (Yale Avenue)

Please send us five (5) copies of the Publisher's Affidavit.

Thank you.

Tharles W. Western

Charles W. Westerman City Clerk Melvin G. Honeck Deputy Clerk

MH/ne

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City of Fort Wayne, in-December, 1972 CHARLES W. WESTERMAN, CITY CIE MELVIN G. HONECK, Deputy Clei

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MELVIN G. HONECK Deputy Cle

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